

## **REMARKS**

Applicant respectfully requests reconsideration of this application, as amended, and consideration of the following remarks.

### ***Amendments to the Claims***

Applicant has amended claims 1, 11, 19, 33, and 36 to more particularly point out what Applicant regards as the invention. Amendments to claims 1, 11, 19, 33, and 36 clarify that the program information received in response to a viewer request is stored local to the viewer.

Applicant has amended claims 1-4, 6, 8, 10-14, 16, 33, 35, and 36 to remove references to "steps" because Applicant does not intend for claims to be interpreted under 35 U.S.C. § 112, paragraph 6. Amendments to claims 9, 18, 33, and 36 correct minor typographical errors.

No new matter has been added as a result of these amendments.

### **Rejections**

#### ***Rejections under 35 U.S.C. § 102(b)***

#### **Claims 1-10, 19-20 and 25-34**

Claims 1-10, 18-20 and 25-34 were rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 5,699,107 (Lawler). Applicant has amended claim 18 to depend from claim 11, rather than claim 1. Therefore, Applicant argues patentability of claim 18 under claim 11 below. Applicant respectfully submits that Lawler cannot anticipate Applicant's invention as claimed in claims 1-10, 19-20 and 25-34.

Lawler discloses a television program reminder system that allows a viewer to select a specific program from a program guide. A reminder is set for the selected program that causes a tag to be stored at the head end, which is a server remote from the viewer (Lawler, column 12,

lines 16-21). Once the reminder is set, the system displays a reminder shortly before the program is to be broadcast based on program information stored at the head end.

In contrast, in Applicant's invention as claimed in amended independent claims 1, 19, and 33, when a program is set for reminder, the program information is stored local to the viewer. Because Lawler does not teach storage of program information local to the viewer, Lawler fails to anticipate each and every element of Applicant's invention as claimed in amended independent claims 1, 19, and 33, and claims 2-10, 20, 25-32, and 34 that depend from them.

Moreover, with regard to claim 19, it appears that the Examiner is equating Lawler's analog decoder to Applicant's "first receiver," Lawler's network communication interface to Applicant's "second receiver," and Lawler's CPU to Applicant's controller to retrieve program information and issue a notification. However, Lawler's network interface does not receive a control signal issued to indicate viewer interest in a program to be broadcast. Thus, the network interface discussed in Lawler cannot be properly interpreted as teaching Applicant's second receiver.

Accordingly, Applicant submits that the invention claimed in claims 1-10, 19-20, and 25-34 is not anticipated by Lawler under 35 U.S.C. § 102(b) and respectfully requests the withdrawal of the rejection of the claims.

***Rejections under 35 U.S.C. § 103(a)***

**Claims 23 and 24**

Claims 23 and 24 were rejected under 35 U.S.C. § 103(a) as being obvious over U.S. Patent 5,699,107 (Lawler) in view of U.S. Patent 5,745,693 (Knight). Applicant respectfully submits that the combination cannot render Applicant's invention obvious because the

combination is improper and, furthermore, does not teach each and every element of the invention as claimed in claims 23 and 24.

Knight teaches a system for analyzing communication network events based on records received from the network. Once a complete record of network events is obtained, a system analyst may select various report formats through a series of prompts displayed to a monitor.

Lawler discloses a system that interacts with a viewer of a broadcast program. Knight contains no teaching at all concerning a viewer of a broadcast program but instead discloses a system used by a system analyst to review statistics related to network events. Because Lawler and Knight are directed to solving entirely different problems, there is no suggestion in either reference, or the art as a whole, that would motivate the combination and thus the combination is improper.

Furthermore, claims 23 and 24 depend from claim 19. As discussed above, Lawler fails to teach or suggest storage of program information local to the viewer as Applicant claims in claim 19. Knight also fails to teach or suggest storage of program information local to the viewer. Thus, the combination of Lawler and Knight cannot render obvious Applicant's invention as claimed in claims 23 and 24.

For all the reasons discussed above, Applicant respectfully requests the withdrawal of the rejection of the claims under 35 U.S.C. § 103(a) over the combination.

***Rejections under 35 U.S.C. § 103(a)***

**Claims 11-17, 21, 22, and 35-37**

Claims 11-17, 21, 22, and 35-37 were rejected under 35 U.S.C. § 103(a) as being obvious over U.S. Patent 5,699,107 (Lawler) in view of U.S. Patent 5,699,107 (Florin). Applicant

respectfully submits that the combination cannot render Applicant's invention obvious because the combination does not teach each and every element of the invention as claimed in claims 11-17, 21, 22, and 35-37.

Florin discloses a system that displays a blinking icon on broadcast advertisements. Using various buttons on a remote control, the viewer can activate the icon to obtain information about and/or purchase the advertised products.

As discussed above, Lawler does not disclose a system that stores program information locally as claimed by Applicant in amended claims 11, 19, 33, and 36. Likewise, Florin does not teach or suggest storing program information local to the viewer. Thus, the combination of Lawler and Florin cannot render obvious Applicant's invention as claimed in amended independent claims 11, 19, 33, and 36 and claims 12-17, 21, 22, 35, and 37 that depend from them.

Furthermore, Applicant's invention as claimed in original independent claims 11 and 36 issues a notification during a broadcast of an advertisement of an upcoming program, asking whether the viewer has an interest in the program. As admitted by the Examiner, Lawler does not disclose a system in which the reminder notification appears during a commercial advertisement and is relying on Florin to fill the gap. However, Florin does not teach or suggest issuing a view and/or record notification during an advertisement for an upcoming broadcast. Florin only discloses a system that displays an icon for an advertisement to prompt viewer to retrieve information for the advertised product or to purchase the advertised product. Thus, the combination of Florin and Lawler cannot render obvious Applicant's invention as claimed in claims 11 and 36 and claims 12-17 and 37 that depend from them.

Therefore, Applicant respectfully requests the withdrawal of the rejection of claims 11-17, 21, 22, and 35-37 under 35 U.S.C. § 103(a) over the combination of Lawler and Florin.

### New Claims

Applicant has added new dependent claims 38-60 to cover subject matter as discussed in the specification but not previously claimed. Applicant respectfully submits claims 38-60 are allowable for at least the reasons given above for independent claims 1, 11, 19, 33, and 36 from which they depend.

### SUMMARY

In this response, no claims have been canceled, claims 1-4, 6, 8-14, 16, 18, 19, 33, 35, and 36 have been amended, and new claims 38-60 have been added. Therefore, claims 1-60 are currently pending. In view of the foregoing amendments and remarks, Applicant respectfully submits that the pending claims are in condition for allowance. Applicant respectfully requests reconsideration of the application and allowance of the pending claims.

If the Examiner determines the prompt allowance of these claims could be facilitated by a telephone conference, the Examiner is invited to contact Sue Holloway at (408) 720-3476.

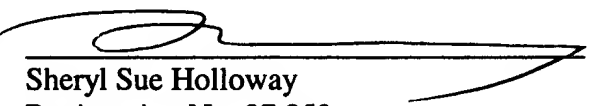
**Deposit Account Authorization**

Authorization is hereby given to charge our Deposit Account No. 02-2666 for any charges that may be due. Furthermore, if an extension is required, then Applicant hereby requests such extension.

Respectfully submitted,

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Dated: April 8, 2002

  
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**VERSION WITH MARKINGS TO SHOW CHANGES MADE**

1. (Amended) A method for alerting a viewer of a program, said method comprising [the steps of]:

receiving a signal indicating viewer interest in a program;

retrieving program information in response to the received signal;

storing the program information in a processor system local to the viewer; and

at approximately time of broadcast of the program, issuing a notification to notify the viewer of the broadcast of the program.

2. (Amended) The method as set forth in claim 1, further comprising [the step of] switching a broadcast receiver to tune to the program when the viewer selects to view the program in response to the notification.

3. (Amended) The method as set forth in claim 1, wherein [the step of] issuing a notification comprises [the step of] displaying on a viewing device the notification.

4. (Amended) The method as set forth in claim 1, wherein [the step of] issuing a notification comprises [the step of] issuing a notification that includes a program selector to enable the viewer to select to view the program.

6. (Amended) The method as set forth in claim 3, wherein the notification includes a button enabling the viewer to select to view the program, said method further comprising [the step of] switching a broadcast receiver to tune to the program when the viewer selects the button.

8. (Amended) The method as set forth in claim 1, further comprising [the step of]:

generating a second notification during a broadcast of a program advertisement,  
said second notification asking the viewer whether the viewer has interest in the program;

wherein said signal indicating viewer interest is generated by the viewer  
responding to the second notification.

9. (Amended) The method as set forth in claim 1, wherein a viewer indicates interest  
by selecting a program from an electronic program guide.

10. (Amended) The method as set forth in claim 1, further comprising [the step of]  
generating a calendar of at least one program of interest.

11. (Amended) A method for alerting a viewer of a program, said method comprising  
[the steps of]:

issuing a first notification during a broadcast of an advertisement of an upcoming  
program, said first notification asking a viewer whether the viewer has interest in the program;

receiving a signal indicating viewer interest in a program;

retrieving program information in response to the received signal;

storing the program information in a processor system local to the viewer; and

at approximately time of broadcast of the program, issuing a second notification to  
notify the viewer of the broadcast of the program.

12. (Amended) The method as set forth in claim 11, further comprising [the step of]  
switching a broadcast receiver to tune to the program when the viewer selects to view the  
program in response to the second notification.

13. (Amended) The method as set forth in claim 11, wherein [the step of] issuing a  
notification comprises [the step of] displaying on a viewing device the second notification.



14. (Amended) The method as set forth in claim 11, wherein [the step of] issuing a second notification comprises [the step of] issuing the second notification that includes a program selector to enable the viewer to select to view the program.

16. (Amended) The method as set forth in claim 13, wherein the second notification includes a button enabling the viewer to select to view the program, said method further comprising [the step of] switching a broadcast receiver to tune to the program when the viewer selects the button.

18. (Amended) The method as set forth in claim [1] 11, wherein the first notification includes a button enabling the viewer to indicate interest.

19. (Amended) An apparatus comprising:  
a first receiver configured to receive broadcast signals;  
a second receiver configured to receive at least one control signal, said control signal issued to indicate viewer interest in a program to be broadcast;  
a controller coupled to the first receiver and second receiver, said controller configured to retrieve program information in response to receipt of the control signal, store the program information local to the viewer, and issue, at approximately a time of broadcast, a notification to the viewer of the broadcast of the program.

33. (Amended) A computer readable medium containing executable instructions which, when [excluded] executed in a processing system, causes the processing system to perform [steps] operations for alerting a viewer of a program comprising:  
receiving a signal indicating viewer interest in a program;  
retrieving program information in response to the received signal;

storing the program information local to the viewer; and

at approximately time of broadcast of the program, issuing a notification to notify the viewer of the broadcast of the program.

35. (Amended) The computer readable medium as set forth in claim 33 further comprising instructions, which, when executed, cause the processing system to perform [steps] operations comprising:

generating a second notification during a broadcast of a program advertisement, said second notification asking the viewer whether the viewer has interest in the program;

wherein said signal indicating viewer interest is generated by the viewer responding to the second notification.

36. (Amended) A computer readable medium containing executable instructions which, when executed in a processing system [caused] causes the processing system to perform [steps] operations for alerting a viewer of a program comprising:

issuing a first notification during a broadcast of an advertisement of an upcoming program, said first notification asking a viewer whether the viewer has interest in the program;

receiving a signal indicating viewer interest in a program;

retrieving program information in response to the received signal;

storing the program information local to the viewer; and

at approximately time of broadcast of the program, issuing a second notification to notify the viewer of the broadcast of the program.